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Claims 1-31 were pending at the time the Office Action was issued. Claims 6, 9, 10 and 20 were withdrawn from consideration. Applicants hereby amend claims 1, 5, 7-8, 15, and 25-29. Claims 19 and 21 are canceled. Thus, Claims 1-5, 7-8, 11-18 and 22-31 remain pending.

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As previously described, applicants have amended independent claim 15 to present claim 21 in independent form, including the limitations of claims 15 and 19 from which claim 21 originally depended. Thus, claim 15 as amended is in condition for allowance over the cited references to Schwertfeger and Hohl. Since claims 16 and 22-23 depend from claim 15, they are also allowable over the references to Schwertfeger and Hohl at least due to their dependency.

In the interest of reducing the issues to be considered in this response, the following remarks focus principally on the patentability of independent claims 1 and 25. The patentability of each of the dependent claims is not necessarily separately addressed in detail. However, applicants' decision not to discuss the differences between the cited art and each dependent claim should not be considered as an admission that applicants concur with the conclusions set forth in the Office Action that these dependent claims are not patentable over the disclosure in the cited references. Similarly, applicants' decision not to discuss differences between the prior art and every claim element, or every comment set forth in the Office Action, should not be considered as an admission that

1 applicants concur with the interpretation and assertions presented in the Office
2 Action regarding those claims. Indeed, applicants believe that all of the dependent
3 claims are patentably distinguish over the references cited. Moreover, a specific
4 traverse of the rejection of each dependent claim is not required, since dependent
5 claims are patentable for at least the same reasons as the independent claims from
6 which the dependent claims ultimately depend.

7 Applicants respectfully assert that claim 1, as amended, is patentable over
8 the cited references (Schwertfeger, Hohl, and Wentland) for at least three reasons.
9 Claim 1, as amended, is reproduced here:

- 10 1. (Currently Amended) A lavatory unit,
11 comprising:
12 a plurality of exterior walls, at least two of the exterior
13 walls lying in intersecting planes;
14 a first section including a sit-down commode;
15 a second section including at least one of a sink and a
16 standing urinal; and
17 a divider wall for separating the first and second sections,
18 wherein the divider wall includes at least one of:
19 a nonplanar divider; and
20 a planar divider, wherein the planar divider lies
21 in a third plane intersecting both of the intersecting
22 planes.

23 First, the cited reference to Hohl does not teach a lavatory unit comprising
24 “*a plurality of exterior walls, at least two of the exterior walls lying in*
25 *intersecting planes.*” Instead, Hohl only teaches a lavatory unit that is enclosed
by arcuate exterior walls. Because the walls are curved, they are not planar and,
thus, do not lie in planes, intersecting or otherwise. (Hohl, Figures 1-8). Thus,
Hohl neither teaches nor suggests this aspect of claim 1.

Second, neither Schwertfeger nor Hohl teach a lavatory unit comprising a
first section including a *sit-down* commode and a second section include at least

1 one of a sink and a *standing* urinal. Instead, each of the cited references to
2 Schwertfeger and Hohl merely teaches a lavatory where both the first and second
3 sections are equipped with sit-down commodes. (Schwertfeger, Figures 3 and 5;
4 Hohl, Figures 1-3).

5 Third, neither Schwertfeger nor Wentland teach a lavatory unit comprising
6 “a divider wall for separating the first and second sections, wherein the divider
7 wall includes at least one of a nonplanar divider and a planar divider, wherein the
8 planar divider lies in a third plane intersecting both the intersecting planes.” By
9 contrast, each of the cited references to Schwertfeger and Wentland teaches a
10 divider wall that lies in a plane that is incapable of intersecting two other
11 intersecting planes with exterior walls lying in them. (Schwertfeger, Figures 3 and
12 5; Wentland, Figures 1-8). In other words, each of Schwertfeger and Wentland
13 teaches a lavatory unit with a divider wall that is either parallel or perpendicular to
14 its exterior walls.

15 For these reasons, the cited references to Schwertfeger, Hohl, and Wentland
16 do not anticipate the lavatory unit recited in amended claim 1. Furthermore,
17 because claims 2, 4-5, 7-8, 11-14 depend from claim 1, they are allowable for at
18 least the same reasons for which claim 1 is allowable over the cited references.

19 With respect to dependent claim 5, applicants respectfully submit that claim
20 5 is also allowable over the cited references for at least one additional reason.
21 Claim 5, as amended, is reproduced here for convenience:

- 22 5. (Currently Amended) The unit of Claim 1,
23 further comprising:
24 a third section that shares a first shared wall with the first
25 section and a second shared wall with the second
section-wall, wherein the third section is accessible
from outside of the first section and the second section.

1 None of the cited references to Schwertfeger, Hohl, or Wentland teach a
2 lavatory unit that further comprises “a third section that shares a first shared wall
3 with the first section and a second shared wall with the second section, *wherein*
4 *the third section is accessible from outside of the first section and the second*
5 *section.*” The specification and figures of Schwertfeger neither teaches nor
6 suggests the accessibility of a third section in its aircraft lavatory unit. The most
7 relevant portion of the specification in Schwertfeger states only that “the toilet
8 facilities are also equipped with garbage collection bins 17 as shown in FIG. 5.”
9 (Schwertfeger, Column 4, Lines 49-50). However, Figure 5 of Schwertfeger fails
10 to explicitly teach the accessibility of collection bins that constitute the third
11 sections in its lavatory units.

12 The other cited references also fail to teach or suggest a “third section is
13 accessible from outside of the first section and the second section.” The cited
14 reference to Wentland merely teaches a third section that is only accessible from
15 within a single section of the lavatory unit (Wentland, Figure 4). Similarly, Hohl
16 teaches a third section that is inaccessible from anywhere because it is enclosed by
17 a solid divider wall, a solid exterior wall and a “curved lighting screen which
18 extends upwards to the same height as the other walls of the cubicle.” (Hohl,
19 Figures 1-3; Column 4, Lines 6-8). Therefore, in addition to being patentable as
20 depending from patentable claim 1, claim 5 is further patentable over the cited
21 references.

22 With respect to independent claim 25, applicants respectfully assert that the
23 lavatory unit recited by this amended claim is patentable over the cited reference
24 to Schwertfeger for at least two reasons. Independent claim 25, as amended, is
25 reproduced here for convenience:

- 1 25. (Currently Amended) An aircraft, comprising:
2 a fuselage;
3 a propulsion system operatively coupled to the fuselage;
4 and
5 at least one lavatory unit operatively disposed within the
6 fuselage, the lavatory unit comprising:
7 a plurality of exterior walls separating the sections of the
8 lavatory unit from other portions of the aircraft, the
9 plurality of exterior walls defining a floor space of the
10 lavatory unit;
11 a sitting lavatory first-section including a sit-down
12 commode and partially occupying the floor space;
13 a standing lavatory second-section adjacent to the sitting
14 lavatory section including at least one of a sink and a
15 standing urinal and partially occupying the floor space;
16 and
17 an adjoining a-divider wall adapted to separate the
18 lavatory unit into the sitting and standing lavatory
19 sections, the divider being disposed such that the
20 standing lavatory section occupies a minority portion
21 of the floor space for separating the first and second
22 sections.

23 First, as noted above, the cited reference to Schwertfeger does not teach an
24 aircraft lavatory unit comprising a sitting section including a sit-down commode
25 and a standing section including at least one of a sink and a standing urinal.
26 Instead, the cited reference to Schwertfeger merely teaches an aircraft lavatory
27 unit where two adjoining first and second sections are identically equipped with
28 sit-down commodes. (Schwertfeger, Figures 3 and 5).

29 Second, the cited reference to Schwertfeger does not teach an aircraft
30 lavatory unit where the lavatory unit comprises “an adjoining divider wall adapted
31 to separate the lavatory unit into the sitting and standing lavatory sections, the
32 divider being disposed such that the standing lavatory section occupies a minority
33 portion of the floor space.” Instead, the cited reference to Schwertfeger only
34 teaches an aircraft lavatory unit where an adjoining divider separates two

1 adjoining first and second sections into equally-sized spaces. (Schwertfeger,
2 Figures 3 and 5).

3 For these reasons, the cited reference to Schwertfeger does not anticipate
4 the lavatory unit recited in amended claim 25. Furthermore, since claims 26 and
5 29 depend from claim 25, they are at least allowable for the same reason that
6 makes claim 25 allowable over the cited references.

7 Moreover, with respect to dependent claim 29, applicants respectfully
8 submit that, in addition to the grounds stated above for patentability over the cited
9 reference to Schwertfeger, claim 29 as amended is also allowable over
10 Schwertfeger for at least one additional reason. Claim 29, as amended, is
11 reproduced here for convenience:

12 29. (Currently Amended) The aircraft of Claim 25,
13 wherein the lavatory unit further comprises a third section that
14 shares a wall with the first section and a wall with the second wall
section, wherein the third section is accessible from outside of the
first section and the second section.

15 The cited reference to Schwertfeger does not teach an aircraft lavatory unit
16 that further comprises “a third section that shares a first shared wall with the first
17 section and a second shared wall with the second section, *wherein the third*
18 *section is accessible from outside of the first section and the second section.*”

19 Again, the specification and figures of Schwertfeger lack teachings regarding the
20 accessibility of a third section in its aircraft lavatory unit. The most relevant
21 portion of the specification in Schwertfeger only states that, “the toilet facilities
22 are also equipped with garbage collection bins 17 as shown in FIG. 5.”
23 (Schwertfeger, Column 4, Lines 49-50). However, Figure 5 of Schwertfeger fails
24 to explicitly teach the accessibility of collection bins that constitute the third
25 sections in its lavatory units. Specifically, it fails to teach that its third section is

1 accessible from outside of its respective first and second sections. Therefore, claim
2 29 is further allowable over Schwertfeger.

3 4 **IV. REJECTIONS UNDER 35 U.S.C. § 103**

5 Claims 3, 17, 27 were rejected under 35 U.S.C. § 103(a) as obvious by
6 Schwertfeger in view of U.S. Patent No. D487,137 to Itakura (hereinafter
7 “Itakura”); claims 3 and 17 were also rejected under 35 U.S.C. § 103(a) as obvious
8 by Wentland in view of Itakura; claims 25, 28 and 29 were rejected under 35
9 U.S.C. § 103(a) as obvious by Wentland in view of U.S. Patent No. 4,202,061 to
10 Waters (hereinafter “Waters”); claims 27 was rejected under 35 U.S.C. § 103(a) as
11 obvious by Wentland in view of Waters, and in further view of Itakura.

12 Applicants, in accordance with 35 U.S.C. § 103(c), hereby respectfully
13 assert that Wentland is *disqualified* as 35 U.S.C. § 103(a) prior art against the
14 present application. Wentland is disqualifiable because it is assigned to the
15 assignee of the current application. Further, it is only available as prior art under
16 35 U.S.C. § 102(e). The required statement of common ownership is provided
17 below:

18 19 **STATEMENT OF COMMON OWNERSHIP**

20 The present Application, No. 10/782,206, “Dual Purpose Lavatory”,
21 and U.S. Patent No. 6,604,709 to Wentland et al., “DOT
22 (Department of Transportation) Lavatory and Shower combination”,
23 were, at the time the invention of Application No. 10/782,206 was
24 made, owned by the Boeing Company.
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1 Applicants respectfully assert that Wentland cannot be used as prior art
2 against any of the claims in the present application. Therefore, applicants
3 respectfully assert that rejections of claims 3, 17, 25, 27-29 based on Wentland
4 should be withdrawn.

5 With respect to the rejection of claim 3 based on Schwertfeger and Itakura,
6 claim 3 depends from claim 1 and thus is patentable for at least the same reasons
7 for which claim 1 is patentable as previously described. With respect to the
8 rejection of claim 17 based on Schwertfeger and Itakura, claim 17 depends from
9 claim 15 and thus is patentable for at least the same reasons for which claim 15 is
10 patentable as previously described. Again, claim 15 as amended is in condition
11 for allowance claim because claim 15 as amended includes the limitations of claim
12 19 and claim 21, the latter of which was indicated to be allowable if rewritten in
13 independent form including the limitations of claims from which it depended.
14 Because claim 17 depends from allowable claim 15, claim 17 also is allowable
15 over the cited references (Schwertfeger, Itakura).

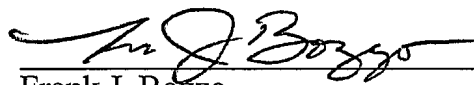
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CONCLUSION

Applicants respectfully submit that Claims 1-5, 7-8, 11-18 and 22-31 are in condition for allowance. Applicants respectfully request entry of the amendment, as well as consideration and prompt allowance of the claims. If any issue remains unresolved that would prevent allowance of this case, the Examiner is requested to contact the undersigned attorney to resolve the issue.

Respectfully Submitted,

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By: 
Frank J. Bozzo
Reg. No. 36,756
Lee & Hayes, PLLC
421 W. Riverside Ave, Suite 500
Spokane, WA 99201
Phone: (206) 315-4001 x103
or (206) 315-7918
Fax: (509) 323-8979